

UNITED STATES DEPARTMENT OF COMMERCE **Patent and Trademark Offic**

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FIRST NAMED INVENTOR APPLICATION NO. **FILING DATE** ATTORNEY DOCKET NO.

09/379,212

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020582 PENNIE & EDMONDS LLF 1667 K STREET NW SUITE 1000 WASHINGTON DC 20006

QM12/0309

EXAMINER

MENDEZ, M

ART UNIT

PAPER NUMBER

3763

03/09/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Applicant(s)

Application No.

09/379,212

Duffy et al.

Office Action Summary Examiner

Manuel Mendez

Group Art Unit 3763



This action is FINAL. Since this application is in condition for allowance except for formal matters, prosecution as to in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11; 453 O.G. 213. A shortened statutory period for response to this action is set to expire month(s), or to is longer, from the mailing date of this communication. Failure to respond within the period for reapplication to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under 37 CFR 1.136(a). Disposition of Claims Claim(s) 19-27	<u> </u>
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Claim(s) 19-27 is/are pending Of the above, claim(s) is/are withdraw is/are withdraw is/are all Claim(s) 19-27 is/are re Claim(s) 19-27 is/are ot Claim(s) is/are ot	sponse will cause the
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□ Claim(s) is/are al ☒ Claim(s) is/are re □ Claims are subject to restriction or example. Application Papers ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948. □ The drawing(s) filed on is/are objected to by the Examiner. □ The proposed drawing correction, filed on is □ approved □ disapp □ The specification is objected to by the Examiner. □ The oath or declaration is objected to by the Examiner. □ The oath or declaration is objected to by the Examiner. □ The Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d). □ All □ Some* □ None of the CERTIFIED copies of the priority documents have been □ received. □ received in Application No. (Series Code/Serial Number) □ received in this national stage application from the International Bureau (PCT Rule 17 *Certified copies not received: □	in the application.
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☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).	
Attachment(s)	
☐ Notice of References Cited, PTO-892	
☐ Information Disclosure Statement(s), PTO-1449, Paper No(s).	
☐ Interview Summary, PTO-413	
Notice of Draftsperson's Patent Drawing Review, PTO-948 Notice of Value of Notice of Value of Notice of Value	
☐ Notice of Informal Patent Application, PTO-152	

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Application/Control Number: 09/379,212

Art Unit: 3734

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 19, line 16, the phrase "said means for releasing is located sufficiently distal from said first portion of said second module" is vague since there is no provision clearly disclosing a frame of reference (distal-proximal) to compare displacement of the various elements in the claim. Due to the lack of clarity, the term "sufficiently distal" is considered vague and indefinite. Applicant must define what is distal and what is proximal in the claim in order to use the term to define structural relationships between the elements.

Allowable Subject Matter

- 2. Claim 19 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
- 3. Claims 20-27 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Art Unit: 3734

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Mendez whose telephone number is (703) 308-2221.

Manuel Antonio Mendez

March 6, 2000